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Kiran Gurudutt Bellare

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YOUNG LAW FIRM, P.C.

4370 ALPINE RD.

STE. 106

PORTOLA VALLEY, CA 94028

EXAMINER

CHOUDHURY, AZIZUL Q

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Detailed Action

This office action is in response to the correspondence received on April 10, 2008.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 11-20, 23-24 and 27-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nachom (US Patent No: 7,072,856) in view of Tso et al (US Patent No: 6,421,733), hereafter referred to as Nachom and Tso, respectively.

1. With regards to claim 1, Nachom teaches through Tso, a method for a first server to select content to be displayed on a computer accessing a Web site of a second server, comprising the steps of: the second server collecting user identification data from the computer accessing the Web site (*Nachom teaches a client sending login information to a first web server (equivalent to the claimed second server); see column 5, lines 4-9, Nachom*); the second server sending the collected user identification data to the first server (*Nachom teaches the first server (equivalent to the claimed second server) sending data to the second server (equivalent to the claimed first server); see column 5, lines 19-21, Nachom*); the first server retrieving user information corresponding to the user

identification data from a database of user information accessible to the first server (*Nachom teaches the second server (equivalent to the claimed first server) accessing its database for offers that may be of interest to the client user; see column 5, lines 27-31, Nachom*); the first server applying the retrieved user information to a rule base including a plurality of rules (*see column 5, lines 27-41, Nachom*); the first server selecting advertising to be displayed on the second server's Web site based upon a result of the application of the retrieved user information to at least one of the plurality of rules (*see column 5, lines 27-41, Nachom*); the first server sending an address of the selected advertising to the accessing computer, and causing the accessing computer Web site to fetch the selected advertising from the address sent to the accessing computer and to integrate display the fetched advertising into a currently displayed page of the Web site (*The second server of Nachom's disclosure sends the targeted pop-up/information (equivalent to the claimed advertisement) to the client user; see column 5, lines 27-41, Nachom*).

While Nachom teaches a customized advertisement delivery system, Nachom does not explicitly state the use of rules. In the same field of endeavor, Tso also teaches a customized advertisement delivery system. Within Tso's disclosure it is taught how advertising is customized using custom rules; see column 7, lines 47-50, Tso. By using custom rules, the user is provided more targeted advertising which increases the likelihood of the user responding to the advertisement. Therefore, it would have been obvious to one skilled in the art,

during the time of the invention, to have combined the teachings of Nachom with those of Tso to make use of custom rules allowing for more targeted advertisements.

2. With regards to claims 2, 34 and 36, Nachom teaches through Tso the method wherein at least one of the plurality of rules is customizable (*see column 7, lines 43-48 and column 8, lines 13-21, Tso*).

With regards to claims 3, 19 and 37, Nachom teaches through Tso the method wherein the user identification data is included in at least one file stored on the accessing computer (*see column 7, lines 21-29, Tso*).

3. With regards to claims 4, 20 and 38, Nachom teaches through Tso the method wherein the at least one file is configured as a cookie (*see column 11, line 53, Tso*).
4. With regards to claim 11, Nachom teaches through Tso the method wherein the second sending step is carried out by the second server (*see column 2, lines 50-55, Tso*).

5. With regards to claims 12, 28 and 40, Nachom teaches through Tso the method wherein the selected advertising includes at least one of a product recommendation and a link to another Web site (*see column 8, lines 13-21, Tso*).
6. With regards to claims 13, 29 and 41, Nachom teaches through Tso the method wherein the selected advertising includes a combination of the product recommendation and a deep link into said another Web site where the recommended product is featured (*see column 8, line 51 – column 9, line 10, Tso*).
7. With regards to claims 14, 30 and 42, Nachom teaches through Tso the method wherein an applicability of at least one of the plurality of rules of the rule base is selectively limited by at least one parameter (*see column 7, lines 43-48 and column 8, lines 13-21, Tso*).
8. With regards to claims 15, 31 and 43, Nachom teaches through Tso the method wherein the at least one parameter includes time, date, geography, age, sex, income level, browser type and record of past purchases or inquiries (*see column 7, lines 43-60 and column 8, lines 13-21, Tso*).

9. With regards to claims 16, 32 and 44, Nachom teaches through Tso the method further comprising the step of updating the database of user information based upon an activity of a user of the accessing computer (*see column 7, line 15 - column 8, line 9, Tso*).
10. With regards to claims 17 and 33, Nachom teaches through Tso the method wherein the first sending step sends a request for the selected advertising along with the collected user identification data (*see column 8, lines 13-21, Tso*).
11. With regards to claim 18, Nachom teaches through Tso a system comprising: a merchant Web server (*equivalent to Nachom's second server; see column 5, line 20, Nachom*); an affiliate Web server, the affiliate Web server being coupled to the merchant Web server over a computer network (*Nachom teaches a client sending login information to a first web server (equivalent to the claimed affiliate web server); see column 5, lines 4-9, Nachom*); a rule base including a plurality of configurable rules, the rule base being accessible to the merchant Web server (*see column 5, lines 27-41, Nachom*); a first process within the affiliate Web server to collect a user identification from a computer accessing a Web site controlled by the affiliate Web server and for sending the collected user identification to the merchant Web server along with a request for content (*Nachom teaches a client sending login information to a first server (equivalent to*

the claimed affiliate server); see column 5, lines 4-9; Nachom. The first server then sends the data to the second server (equivalent to the claimed merchant web server); see column 5, lines 19-21, Nachom); a second process within the merchant server for retrieving user information from the database corresponding to the collected user identification (Nachom teaches the second server accessing its database for offers that may be of interest to the client user; see column 5, lines 27-31, Nachom); a third process within the merchant Web server for applying user information obtained from the database to the plurality of rules and for returning an address of selected advertising in response to the request for content, the advertising being selected based upon a result of applying the user information to the plurality of rules, and a fourth process within the computer accessing the Web site to fetch the selected advertising from the returned address and to cause the fetched advertising to be integrated into the Web site controlled by the affiliate server (Nachom teaches the second server accessing its database for offers that may be of interest to the client user; see column 5, lines 27-31, Nachom).

While Nachom teaches a customized advertisement delivery system, Nachom does not explicitly state the use of rules. In the same field of endeavor, Tso also teaches a customized advertisement delivery system. Within Tso's disclosure it is taught how advertising is customized using custom rules; see column 7, lines 47-50, Tso. By using custom rules, the user is provided more targeted advertising which increases the likelihood of the user responding to the

advertisement. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Nachom with those of Tso to make use of custom rules allowing for more targeted advertisements.

12. With regards to claim 23, Nachom teaches through Tso the system wherein the affiliate Web server is configured to carry out the fourth process by transmitting the selected advertising to the accessing computer and wherein a browser running on the accessing computer is configured to integrate the fetched advertising into the Web site displayed to the user (*see column 7, lines 43-48 and column 8, lines 13-21, Tso*).

13. With regard to claims 24 and 39, Nachom teaches through Tso the system wherein the affiliate Web server is configured to transmit the selected content via HTTP and TCP/IP (*see column 3, lines 30-44, Tso*).

14. With regards to claim 27, Nachom teaches through Tso the system wherein the accessing computer configured to carry out the fourth process (*see column 7, lines 43-48 and column 8, lines 13-21, Tso*).

15. With regards to claim 35, Nachom teaches through Tso a method of delivering personalized advertising from a first server to a computer accessing a second server, comprising the steps of: receiving in the second server a request for the personalized advertising from the accessing computer, the accessing computer having accessed a Web page that includes embedded code configured to send the request for personalized advertising to the first server over a computer network along with selected user identification data (*Nachom teaches a client sending login information to a first server (equivalent to the claimed second server); see column 5, lines 4-9; Nachom. The first server then sends the data to the second server (equivalent to the claimed first server); the first server retrieving user information corresponding to at least one of the user identification data and the accessed Web page from a database of user information accessible to the first server (Nachom teaches the second server (equivalent to the claimed first server) accessing its database for offers that may be of interest to the client user; see column 5, lines 27-31, Nachom); the first server applying the retrieved user information to a rule base including a plurality of rules (see column 5, lines 27-41, Nachom); the first server selecting advertising to be posted in the accessed Web page based upon a result of the application of the retrieved user information to at least one of the plurality of rules, and the first server sending an address of the selected advertising to the accessing computer for posting into the accessed Web page (see column 5, lines 27-41, Nachom).*

While Nachom teaches a customized advertisement delivery system, Nachom does not explicitly state the use of rules. In the same field of endeavor, Tso also teaches a customized advertisement delivery system. Within Tso's disclosure it is taught how advertising is customized using custom rules; see column 7, lines 47-50, Tso. By using custom rules, the user is provided more targeted advertising which increases the likelihood of the user responding to the advertisement. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Nachom with those of Tso to make use of custom rules allowing for more targeted advertisements.

16. The obviousness motivation applied to independent claims 1, 18 and 35 are applicable to their respective dependent claims.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 11-20, 23-24 and 27-44 have been considered but are moot in view of the new ground(s) of rejection. The latest amendment featured claim amendments to all the independent claims. The claims now clearly describe a specific network layout wherein a client sends data to a second server and the second server sends that data to a first server. The first server then uses the client user data and its own database to create and send customized ads to

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the client user. The previously presented Tso art already taught the creation and sending of customized ads to clients however lacked the newly claimed network layout. The new Nachom art rectifies this deficiency. Nachom teaches how a client sends data to a first server. The first server then sends the data to the second server. The second server then refers to its database to create a custom ad.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **AZIZUL CHOUDHURY** whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice Winder/
Primary Examiner, Art Unit 2145

/A. C./
Examiner, Art Unit 2145